Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 114, 121-131, 133-137, 139-140, 215 and 230 are pending in the application, with claim 114 being independent. Claims 117, 211-214 and 216-229 have been cancelled herein without prejudice to or disclaimer of the subject matter therein. Claim 230 has been added. Claims 114, 124, 134, 135, and 215 have been amended. It is believed these changes introduce no new matter, and their entry is respectfully requested.

Support for the new and amended claims may be found throughout the specification. For example, support for new claim 230 may be found at page 54, lines 30-37, and support for the amendment of claim 215 may be found at page 54, lines 26-31.

The specification has been amended to properly indicate trademarks, to add sequence identifiers, and to introduce a substitute sequence listing. Applicants have amended the sequence listing to include sequences from Table III on page 108 that contain 4 or more defined residues. Applicants have also added the priority application information to the sequence listing. Applicants hereby state that the changes made to the sequence listing do not include new matter.

In accordance with 37 C.F.R. § 1.825(a), Applicants submit substitute sheets to amend the paper copy of the Sequence Listing.

In accordance with 37 C.F.R. § 1.825(b), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith are the same.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and request that they be withdrawn.

Interview

Applicants thank Examiner Rawlings for the courteous and helpful interview extended to Applicants' representatives Joseph Kenny, Eric Steffe, and Helene Carlson on May 21, 2003.

Objection to the Specification

The specification was objected to because of the use of improperly demarcated trademarks. Paper No. 17, page 3.

Applicants have amended the specification to demarcate the trademarks. However, Applicants note that "Invitrogen," as used in the phrase "pCR-blunt (Invitrogen)" at page 85, line 32 of the specification is not a trademark, contrary to the statement at page 3 of the Office Action. Invitrogen is used in this instance as a trade name representing the company, not as an adjective modifying a generic product, and therefore it is not a trademark. *See* "Trade Names and Trademarks Are Not The Same," in *A Guide to Proper Trademark Use*, The International Trademark Association (1998) (copy attached). However, Applicants have amended the specification to read "Invitrogen® plasmid pCR-blunt," which is believed to be a proper use of a trademark, to obviate this objection. In addition, Applicants have amended the specification to demarcate other trademarks of which Applicants are aware, and to properly refer to the PADRE® trademark. Accordingly, withdrawal of this objection is respectfully requested.

The Requirements of 37 CFR §§ 1.821-1.825

The Office Action stated that the application fails to comply with the requirements of 37 CFR §§ 1.821-1.825 for the reasons set forth in the Notice to Comply. Applicants have amended the specification to introduce a sequence identifier on page 54, which had been inadvertently

omitted in the Amendment filed November 4, 2002. Applicants have also introduced sequence identifiers on page 108, corresponding to sequences that include 4 or more defined sequences. These sequences on page 108 have also been added to the sequence listing. The application numbers and filing dates of the priority applications have also been added to the sequence listing. It is therefore believed that application is in compliance with the requirements of 37 CFR §§ 1.821-1.825. Accordingly, Applicants respectfully request withdrawal of this objection.

Objections to the Claims

Claims 224 and 229 were objected to as being substantial duplicates of claim 134. Claim 229 was objected to as being of improper dependent form. Claim 114 was objected to because "it is drawn in the alternative to the subject matter of non-elected inventions." Paper No. 17, page 4. Applicants respectfully traverse.

Applicants have cancelled claims 224 and 229, and have amended claim 114 to cancel the subject matter of the non-elected inventions. Accordingly, the objections are moot.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 124, 135-137, 139, 140, 215 and 225-228 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Paper No. 17, page 5. Applicants respectfully traverse.

Claim 124 was rejected for not ending with a period. Applicants have amended claim 124 to correct this typographical error.

Claims 135-137, 139, 140 and 225-228 were rejected as being indefinite because claims 135 and 225 recite the limitation "one or more second peptides." Paper No. 17, page 5. Applicants have cancelled claims 225-228. Therefore the rejection is moot as to these claims.

Pursuant to the Examiner's suggestion, Applicants have amended claim 135 to replace the recitation of "second" with the recitation of "other." Claims 136, 137, 139, and 140 depend from claim 135. Therefore, the rejection of claims 135-137, 139, and 140 has been obviated.

Claim 215 was rejected for reciting a trademark. Applicants have amended claim 215 to cancel the trademark term. Therefore, the rejection has been obviated.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and further request that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Helene C. Carlson
Agent for Applicants
Registration No. 47,473

Date: 5/29/03

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(202) 371-2600

SKGF_DC1:125350.3

Table III

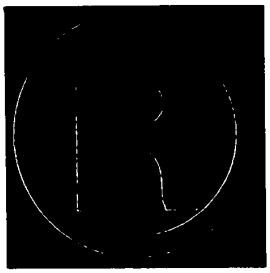
SEQ ID NO:	MOTIFS		POSITION 1° anchor 1	2	3	4	5	1° anchor 6	7	8	9
	DR4	preferred	F, M, Y, *L, I, V, W,*	M,	T,		I,	V, S, T, *C, P, A, L, I, M,*	M, H,		M, H
		deleterious				W,			R,		W, D, E
	DR1	preferred	M, F, *L, I, V, W, Y,*			P, A, M, Q,		V, M, A, T, *S, P, L, I, C,*	M,		A, V, M
		deleterious		C	C, H	F, D	C, W, D		G, D, E,	D	
6901	DR7	preferred	M, F, *L, I, V, W, Y,*	M,	W,	A,		I, V, M, S, A, *C, T, P, L,*	M,		I, V
6902		deleterious		C,		G,			G, R, D,	N	G
	DR Supermotif		M, F, *L, I, V, W, Y,*					V, M, S, T, A, *C, P, L, I,*			

DR3 MOTIFS	1° anchor 1	2	3	1° anchor 4	5	1° anchor 6
motif a preferred	L, I, V, M, F, Y,			D		
motif b preferred	L, I, V, M, F, A, Y,			D, N, Q, E, S, T		K, R, H

Italicized residues indicate less preferred or "tolerated" residues. Secondary anchor specificities are designated for each position independently.

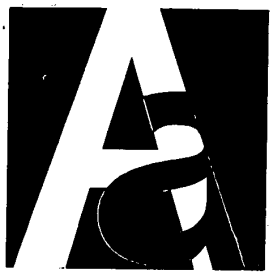
®'S

Provided by
International Trademark Association



Trademarks are important business assets and should be treated with the care due something so valuable. Businesses rely on their trademarks to identify their products or services and distinguish them from those of competitors. Trademarks can be a word, symbol, logo, or design —or any combination of these.

Trademarks must be cared for and protected; the alternative is that they will be lost as has happened many times in the past when their owners have allowed them to be misused. Prime examples of "lost trademarks, those that became generic through general and thereby improper usage, include such familiar names as escalator, kerosene, corn flakes, linoleum, dry ice, cellophane, shredded wheat and mimeograph."



TRADEMARKS ARE PROPER ADJECTIVES AND SHOULD BE FOLLOWED BY GENERIC TERMS.

Trademarks should be either CAPITALIZED completely, used with "Initial Caps" with quotes, or at the very least, with Initial Caps. Other alternatives for distinguishing trademarks include italic, boldface or different color type.

As a minimum requirement, use the generic term after the trademark at least once in each written communication and, when appropriate, in broadcast matter—preferably the first time the mark appears.

Examples:

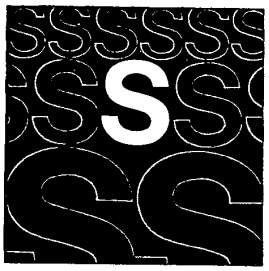
KLEENEX tissues
"Life Savers" candy
Kodak cameras
Vaseline petroleum jelly
PAMPERS diapers
Pizza Hut restaurants

Additional emphasis can be given to trademarks by using the word "brand" after the mark (SCOTCH Brand transparent tape) and/or by using one of the acceptable symbols that indicate trademark status. Some companies require the use of a trademark notice one or more times in all of their packaging, printed materials and advertising, namely:

®or Reg. U.S. Pat. & Tm. Off. if the mark is registered in the U.S. Patent and Trademark Office.

TM (trademarks) or SM (service marks) for marks that are not registered.

An asterisk (*) and footnote that the mark is either "Reg. U.S. Pat. & Tm. Off." or if the mark is not registered, "A trademark of X Company."



TRADEMARKS SHOULD NOT BE PLURALIZED.

Since trademarks are *not* nouns, they should not be used in the plural form. Instead, pluralize the common nouns they describe.

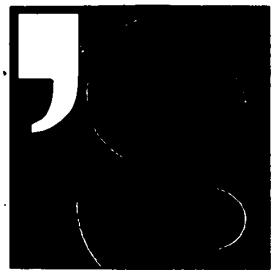
Correct: Two SANKA decaffeinated coffees (or decafs)

Incorrect: Two SANKAS

Trademarks that end in "s" may be used with singular or plural nouns. Do not remove the "s" to singularize these marks.

Correct: A BAGGIES plastic bag
or BAGGIES plastic bags

Incorrect: A Baggie



TRADEMARKS SHOULD NOT BE USED IN THE POSSESSIVE FORM.

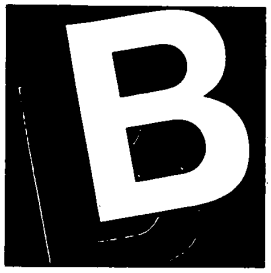
Trademarks should never be used in the " 's" form, unless the trademark itself is possessive such as LEVI'S jeans, MCDONALD'S restaurants or JOHNSON'S baby shampoo.

TRADEMARKS ARE NEVER VERBS.

Examples:

You can say "Make six copies on the XEROX copier" or "Make a photocopy" but you *cannot* say "XEROX the report."

You can say "Polish my car with SIMONIZ paste wax" but you *cannot* say "SIMONIZ my car."



TRADE NAMES AND TRADEMARKS ARE NOT THE SAME.

Trademarks should not be confused with trade names, which are corporate or business names. Trade names are proper nouns. Trade names can be used in the possessive form and do not require a generic term. It is not appropriate to use a trademark symbol. Many companies use their trade names as trademarks.

Example:

Corporate Name:	These athletic shoes are made by Reebok International Ltd.
Trade Name:	These athletic shoes are made by Reebok.
Trade Name:	Reebok's newest line of athletic shoes is for children.
Trademark:	Are you wearing REEBOK athletic shoes or another brand?

If a company's trademark becomes generic, anyone can use it because the word or symbol no longer indicates to the public that the products on which the mark was used were made, sold or supplied by that company. Loss of a trademark not only denies consumers the opportunity to identify preferred brands and repeat satisfactory purchases, it also destroys the owner's investment in its asset.

Although trademarks may be protected in the United States without registration, most owners register their marks in the U.S. Patent and Trademark Office in order to reinforce their rights, make their ownership of public record and gain certain legal advantages.

The guidelines that follow apply to advertising, literature, displays, packaging, labels and correspondence. They will help ensure that a company's trademarks will be properly honored and will not become generic in the future.

International Trademark Association

The International Trademark Association, "INTA", is a not-for-profit, international membership organization committed to:

- promoting trademarks as essential to commerce throughout the world
- fulfilling a leadership role in public policy matters concerning trademarks
- educating business, the press and the public on the proper use and importance of trademarks
- providing an extensive range of informational and educational programs and services for its members

For further information:

International Trademark Association
1133 Avenue of the Americas
New York, NY 10036-6710
Telephone: 212/768-9887
Fax: 212/768-7796
http://www.inta.org

Founded in 1878 as The United States Trademark Association

Notic to Comply	Application No.	Applicant(s)
	09/633,364	FIKES ET AL.
	Examiner	Art Unit
	Stephen L. Rawlings, Ph.D.	1642

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: If necessary to comply, Applicants are required to submit substitute copies of the sequence listing and the statement indicated below.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
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